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Attorneys for Defendant,
KENNETH JOHNSON

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Criminal case No. 20-CR-238-JLT-SKO

Plaintiff,

v.

**KENNETH JOHNSON,
JUSTIN GRAY
BRANDON BANNICK
FRANCIS CLEMENT,
WAYLON PITCHFORD,
EVAN PERKINS,
AND JOHN STINSON,**

Defendants.

JOINT STATUS REPORT

Date: October 16, 2024
Time: 1:00 p.m.
Place: Courtroom 7 (SKO)

This case is set for an in-person status hearing on October 16, 2024 at 1:00 p.m. Pursuant to the Court's Order [Doc. 1289] of September 6, 2024, the parties were to submit this Joint Status Report regarding the Government's compliance with disclosure for the Motion for Disclosure of Grand Jury Schedule, Instructions, and Materials [Doc. 1122] filed by Mr. Gray and joined by Mr. Bannick, Mr. Johnson, Mr. Clement, Mr. Perkins, Mr. Weaver and Mr. Pitchford; and the Motion to Compel Specific Discovery [Doc. 1201] filed by Mr. Johnson and joined by Mr. Clement, Mr.

1 Weaver, Mr. Pitchford Mr. Perkins, and Mr. Stinson. In its Order, the Court ordered the
2 Government to produce responsive materials by September 27, 2024.

3 With respect to the Motion for Grand jury Schedule, Instructions and Materials, pursuant
4 to the Magistrate Judge's Order of September 6, 2024 [Doc. 1289], the government was directed
5 to produce certain documents relating to the grand jury by September 27, 2024. A stipulation and
6 request for a protective order was submitted on September 24, and the protective order was signed
7 on September 26 [Doc. 1309]. On September 27, the government produced documents responsive
8 to the Court's Order to the discovery coordinator.¹ Defense counsel have not yet had the
9 opportunity to review the documents and cannot confirm that the production is correct and
10 complete.
11

12 With respect to the Motion to Compel Specific Discovery, Mr. Johnson sought Rule 16
13 discovery on certain predicate acts that are alleged in Count One of the Third Superseding
14 Indictment. *See* Indictment, ¶ 20, pp. 7-9 [Doc. 1098]. Mr. Johnson identified seven predicate acts
15 for which he contended no discovery had been produced. It appears, though, that the Government
16 had earlier produced some discovery related to the predicate act charged in paragraph 20(o).
17 However, counsel for Mr. Johnson maintains that the United States has produced only evidence
18 related to one of these predicate acts, that being paragraph 20(e), in response to this Court's Order.
19 In the United States' email of August 1, 2024, attached as Exhibit 1 to Mr. Johnson's Motion, the
20 government indicated that predicate act paragraph 20(m) requires a protective order for the limited
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25 ¹ In the production, the government included two of the three U.S. Attorney's Office's
26 generic letters, dated May 10, 2021 and October 20, 2022, to employers of the grand jurors
27 selected to serve on the relevant grand juries. It was unable to locate the letter it issued for the
relevant 2019 grand jury panel, but the government represents here that the 2019 letter was in
sum and substance the same as the other two letters produced.

1 discovery that can go out in the coming weeks. Since that time, no proposed protective order has
2 been provided.

3 It is the government's position that it has produced discovery for the offenses and
4 predicates it intends to prove at trial in January, and that does not fall under the Jencks Act, in
5 compliance with Rule 16 and this Court's Order [Doc. 1289]. To the extent the government
6 receives additional discovery from state agencies, the government will produce it without delay in
7 accordance with its discovery obligations and this Court's orders.

8
9 Counsel for Mr. Gray and Mr. Bannick notes that Messrs. Gray and Bannick did not join
10 the Motion to Compel.

11
12 Dated: October 1, 2024

/s/ RYAN VILLA
/s/ ANDREA L. LUEM
ANDREA L. LUEM
RYAN VILLA
Counsel for Defendant
KENNETH JOHNSON

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16 Dated: October 1, 2024

/s/ JEAN D. BARRETT
/s/ JANE FISHER-BYRIALSEN
JEAN D. BARRETT
JANE FISHER-BYRIALSEN
Counsel for Defendant
FRANCIS CLEMENT

17
18
19 Dated: October 1, 2024

/s/ AMY E. JACKS
/s/ IVETTE A. MANINGO
AMY E. JACKS
IVETTE A. MANING
Counsel for Defendant
BRANDON BANNICK

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21
22
23 Dated: October 1, 2024

/s/ JAMES S. THOMSON
/s/ TIMOTHY FOLEY
JAMES S. THOMSON
TIMOTHY FOLEY
Counsel for Defendant
JUSTIN GRAY

1 Dated: October 1, 2024

/s/ OLIVER W. LOEWY
/s/ EDWARD J. RYMSZA
OLIVER W. LOEWY
EDWARD J. RYMSZA
Counsel for Defendant
WAYLON PITCHFORD

4 Dated: October 1, 2024

/s/ RANDY SUE POLLOCK
/s/ TAMARA CREPET
RANDY SUE POLLOCK
TAMARA CREPET
Counsel for Defendant
JAYSON WEAVER

8 Dated: October 1, 2024

/s/ THERESA M. DUNCAN
/s/ CRISTINA BORDÉ
THERESA M. DUNCAN
CRISTINA BORDÉ
Counsel for Defendant
EVAN PERKINS

12 Dated: October 1, 2024

/s/ KENNETH ALAN REED
KENNETH ALAN REED
Counsel for Defendant
JOHN STINSON

15 Dated: October 1, 2024

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